

small Bill and involves no modifications of any serious or controversial character. No amendments have been proposed and I would move that the Bill be passed by the Council.

Seconded by Mr. Bensley.

Carried.

THE IRRIGATION BILL.

Mr. Thanu Pillai.—I beg to move that the further consideration of the Irrigation Bill be proceeded with. I think it would facilitate the progress of the Bill and would be a great advantage if the Council would go through it, section by section.

Mr. Rama Vurma.—Why should we adopt that course? We may, as usual, deal with the amendments on the paper and pass on to the next Bill. I do not think this is generally done in the Madras Council. It would be a waste of time to go through every section. The Penal Code Bill has to be considered. It is a very important Bill.

President.—The Irrigation Bill is no less important. It is an original measure and needs all caution. When the Bill is gone through, as proposed by Mr. Thanu Pillai, many points may strike the Council which may otherwise escape. There is no absolute prohibition against such a procedure.

Mr. Thanu Pillai.—If I remember rightly the same procedure was adopted in the case of the Madras District Municipalities Bill.

The motion was put and agreed to.

PREAMBLE AND SECTION 1.

Read and passed.

SECTION 2.

Mr. Thanu Pillai.—I have an amendment in 1 (d). It is this: Insert the words 'or benefit' between 'protection' and 'of' in the 3rd line and omit the words 'from flood or from erosion.'

The conditions of agriculture in Travancore are so diverse that a particular work may not, strictly speaking, be calculated to protect a given tract from 'flood or erosion' and yet may be such as to be clearly indispensable for successful cultivation. For instance, I understand that in certain parts in the North, provision has often to be made for keeping out salt water. A work intended for this purpose may not fall within (d) as it now stands. The proposed amendment would render it sufficiently comprehensive.

Mr. Rama Vurma.—This is an Irrigation Bill and we should, I think, confine ourselves to protection from 'flood or erosion.'

Mr. Ramanatha Rao.—I fear the amendment, especially the addition of 'or benefit,' makes the definition too vague and general.

President.—What has to be borne in mind is that it is not at all easy to compass all the conditions in the definition. A certain amount of such vagueness is therefore unavoidable.

The motion was seconded by Mr. Nagam Aiya.

Carried.

President.—The definition of 'Major Irrigation work' requires careful consideration. Subject to the '200 acres' limit, all main irrigation channels &c., in whatever part of the State, are brought under the term, *pro tanto* augmenting the responsibility of Government in regard to their construction, repair and maintenance as laid down in section 20. The responsibility, you will observe, is imperative and unqualified. Government cannot of course be too careful in accepting such a vast responsibility all at once. The qualifying word 'main' is not sufficiently restrictive. At present it is only in South Travancore that Government undertake the maintenance and repair of such works at their entire cost. In Shencottah, the ryots have

to bear half the cost. As for the other parts, the usage recognises no obligation on the part of Government to bear any cost at all, except in Vilavankod and one or two Taluqs of the Trivandrum Division. South Travancore and Shencottah alone depend solely on artificial irrigation. In the former the system is more regular and the interests of public revenue are more vast and important, resting on exceptionally high rates of assessment. Hence South Travancore has come to be treated on a different footing from time immemorial. The existing understanding in Shencottah cannot at once be upset nor can Government extend the conditions of South Travancore to other parts, however extensive the areas of cultivation may be in respect of a given work. They have to feel their way. It strikes me therefore that the most expedient course is to name or specify the Taluqs in respect of which the right is now recognised and in regard to the rest leave the point open. Government will doubtless extend the privilege as resources allow.

Mr. Nagam Aiya.—The object of the Bill is to have a comprehensive measure for the whole State—not for a particular part. Again, are the Government absolutely bound to incur the outlay at once?

Mr. Bensley.—So section 20 provides.

Mr. Nagam Aiya.—It only means, I should think, that the responsibility is undertaken by Government. There is no absolute obligation with regard to the amount of outlay or the time within which the work should be carried out.

Mr. Rama Vurma.—The provision should be made to apply to the whole State. I anticipate no great difficulty. The works in the North are mostly in good order. There will be no great outlay in that direction immediately entailed.

Mr. Thanu Pillai.—It would perhaps be well to increase the acreage limit and leave the definition as it is. So far as Nanjinad is concerned, the existing customary arrangements will continue; while in regard to the other parts, the higher limit will narrow the scope of the responsibility. I must confess to some misgivings as to the expediency of naming particular Taluqs and confining the privilege to them. It may, I fear, create an appearance of invidious distinctions.

President.—What I wish to be clearly understood is that no innovation is sought to be made with regard to these Taluqs. All that is wanted is the existing rights should be recognised and Government should merely take power and extend similar rights to other parts gradually. As for invidious distinctions, the distinctions are not for the first time to be created by this Bill but they now exist—and so far, are recognised in the reference to customary arrangements in section 9.

After some further discussion, Mr. Bensley observed.—It appears to me that the difficulty can be overcome by omitting the words “irrigating more than two hundred acres of paddy land;” and the definition will read thus:—The term “Major Irrigation work” shall mean and include all the main irrigation channels, reservoirs and all other works which may be declared to be major irrigation works.

Mr. Thanu Pillai.—Yes. I think this is a good solution. The wording leaves the hands of Government free and there will be no disturbance of *statu quo ante* as regards Nanjinad. First, because the distinction between major and minor works has practically no application there: and secondly, Government may at once declare all the works enjoying the right, major works.

Mr. Ramanatha Rao.—Will it be feasible to give an exhaustive and accurate list? Otherwise, there will be hardship.

President.—This can be done; and further there is no fear of hardship, minor works and major works being entitled to the same treatment so far as the 4 Taluqs in the Southern Division are concerned.

Mr. Bensley.—With the President's permission, I would move the following amendment. Substitute ‘such’ for ‘all the main.’ Omit the words ‘irrigating more than.....land.’ Omit ‘all’ in the third line and substitute ‘as’ for ‘which’.

Seconded by Mr. Krishnaswamy Rao.

Carried.

CLAUSE (5).

President.—Is the restriction as regards the salary of the officer essential? It may lead to practical difficulties I am afraid.

Mr. Rama Vurma.—Petty officers should not exercise the power.

Mr. Krishnaswamy Rao.—If necessary a lower limit may be fixed. But some limit is desirable. We may fix it at about the pay of the last grade of Deputy Tahsildars.

Mr. Rama Vurma.—I agree and would move that the word 'thirty' be substituted for 'fifty.'

Seconded by Mr. Bensley.

Carried.

SECTION 3.

Mr. Thanu Pillai.—Omit 'or number' in the second line. This is a mere verbal change removing a vague and inexact expression.

Seconded by Mr. Ramanatha Rao.

Carried.

Mr. Krishnaswamy Rao.—I would move that the words 'or Petty' in the last line be also omitted. The definition of 'Petty Irrigation work' involves a condition as to actual existing state of things and does not admit of any work being brought under it by mere declaration.

Seconded by Mr. Thanu Pillai.

Carried.

SECTIONS 4 and 5.

Read and passed.

SECTION 6.

President.— It is not clear to me why a combination of the majority should be insisted on even for bringing to the notice of the Peishcar that a particular work has to be carried out at Government cost in view to that officer starting an enquiry. When a community of interests is concerned every individual should be allowed the right of representation, however small his concern. We recognise this principle in other directions. Every citizen may complain of the bad condition of a road or bridge, mismanagement of a private pagoda in which he has an interest, of any nuisance in a town and so on. I do not see any harm in any individual ryot putting himself forward, which after all is only for starting an enquiry. It rests with the Peishcars to ascertain how the interests lie in the bulk.

Mr. Nagam Aiya.—I see the force of the President's observation and would move that the word 'any' be substituted for 'the majority' in the 4th line. The necessary safe-guards may be provided in the next section.

Seconded by Mr. Rama Vurma.

Mr. Thanu Pillai.—The object of the restriction is to prevent works being undertaken which the majority of the persons interested do not want. The cost, it should be noted, has to be compulsorily recovered from the ryots concerned. If the necessary limitation is introduced in the next Section, the modification suggested may be adopted.

Carried.

SECTION 7.

Mr. Nagam Aiya.—By way of the safe-guards I referred to, I would move the following amendment:—

Between "*bona fide*" and 'and' insert the words "and is agreed to by the majority of the proprietors" and the word 'general' before the word 'interests'. The latter modification will prevent the amended provisions becoming needlessly obstructive.

Seconded by Mr. Krishnaswamy Rao.

Carried.

SECTIONS 8 and 32.

President.—The proviso I think had better be dropped. The power to remit a demand does always exist and is expected to be wisely exercised. The omission can therefore do no harm, while the insertion of the proviso might have a misleading and mischievous effect. There might be unrest and agitation produced by extravagant hopes of remissions calculated to throw difficulties against smooth recoveries.

Mr. Krishnaswamy Rao.—I think this may be done—and power taken under section 32 to regulate payments or recoveries by rules. I beg then to move the following amendments :—

Substitute 'may' for 'shall' in the 2nd line of para 1 and omit the proviso: I would also, in anticipation, propose the necessary amendments in section 32:— Omit 'and' after 'appealable' in clause (3) and add a new clause thus :—

"and (4) the number of instalments in which the cost of petty irrigation works may be recovered under section 8 and the circumstances under which remission of such cost may be granted in part or whole."

Seconded by Mr. Nagam Aiya.

Carried.

SECTION 9.

Read and passed.

SECTION 10.

Mr. Rama Vurma.—I beg to move that the words 'any proprietor' be substituted for the words 'a reasonable number of proprietors' in line 5. This amendment is based on the same principle as a similar amendment made in section 6.

Seconded by Mr. Bensley.

Carried.

SECTION 11.

Mr. Rama Vurma.—Reading sections 11, 12 and 13 together, I consider the provisions of this section quite unjustifiable. If the ryots who are interested do not come forward, why should we thrust a work on them and, what is more, recover the cost from them. I think this section should be expunged.

Mr. Thanu Pillai.—I quite understand my friend the Rajah's anxiety. He fears that the poor ryots may be made the victims of the fads of individual officers.

Mr. Rama Vurma.—Exactly.

Mr. Thanu Pillai.—I think however this can be guarded against by an amendment in section 13; and I come to it presently.

SECTION 12.

Read and passed.

SECTION 13.

Mr. Thanu Pillai.—This is my amendment :—

Omit the words "if the objections put in are overruled by the Dewan" (lines 1 and 2) and substitute instead "if the majority of proprietors agree to the work." This I think affords sufficient protection.

Seconded by Mr. Ramanatha Row.

Mr. Rama Vurma :—I support it.

Carried.

President.—The words "in such instalments not less than ten as may be fixed by Our Government from time to time" are rather vague without any reference to the period of instalment—annual is meant doubtless. If so is not "ten" too long?

Mr. Nagam Aiya.—I think so. I would move that 'five' be substituted for 'ten' and that the words "equal yearly" be inserted between 'such' and 'instalments'

Seconded by Mr. Bensley.

Carried.

SECTION 14.

Mr. Krishnaswamy Rao.—Insert the words "after giving notice to the other proprietors" between "shall" and "investigate" and the word "shall" before "submit."

The object intended is obvious—to protect the interests of the minority.

Seconded by Mr. Thanu Pillai.

Carried.

Mr. Thanu Pillai.—I beg to move that the words 'and may with Our sanction remit any portion of the cost incurred under this section' in the last line, be omitted.

The power to remit need not, as already observed by the President, be specially provided for, and such a provision is rather out of place where it is now put in.

Seconded by Mr. Krishnaswamy Rao.

Carried.

SECTION 15.

Read and passed.

SECTION 16.

Mr. Thanu Pillai.—I beg to move that the whole section be omitted.

The enactment of the provision would create anomalous inequalities of tax in individual cases which it is the object of the Revenue Settlement to correct as much as possible. A land gradually burdened with additional tax on this account may be abandoned and Government may lose eventually. I would leave the option to Government rather than to each individual ryot.

Seconded by Mr. Nagam Aiya.

Carried.

It was 5-15 p. m. and the Council adjourned to next Saturday.

SHUNGRASOBYER,
President.